



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,407	01/22/2004	Kevin Rabska	1-24313	4903
4859	7590	06/06/2006	EXAMINER	
MACMILLAN SOBANSKI & TODD, LLC ONE MARITIME PLAZA FIFTH FLOOR 720 WATER STREET TOLEDO, OH 43604-1619			SANTOS, ROBERT G	
			ART UNIT	PAPER NUMBER
			3673	

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Claim Objections

1. Claims 33 and 35 are objected to because of the following informalities: In line 8 of claims 33 and 35: The phrase "one or more" should be changed to the phrase --plurality of--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 6, 13-16, 19, 29, 33 and 34 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Pat. No. 6,076,209 to Paul (note especially Figures 1 & 8-12; column 4, lines 13-16; column 7, lines 25-67; and column 8, lines 1-32).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3673

4. Claims 5 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paul '209 in view of Bertoldo '283. Paul '209 does not specifically disclose the use of a grip applied to the assist handle. Bertoldo '283 provides the basic teaching of an assist handle (6 or 25) provided with a grip element (21 or 26). The skilled artisan would have found it obvious at the time the invention was made to provide the assist handle of Paul '209 with a grip applied thereto in order to facilitate grasping of the assist handle by a user (see column 2, lines 69-71).

Response to Amendment

In response to Applicants' arguments on pages 10 and 11 of their amendment filed March 17, 2006 with regards to the Pratt '855 reference, the examiner respectfully agrees. Hence, the claim rejections under Pratt '855 have been respectfully withdrawn.

Moreover, in response to Applicants' arguments on pages 10 and 11 of their amendment concerning the Paul '209 patent, the examiner respectfully disagrees since Paul '209 discloses the use of an assist handle (204) which can be locked in at least one intermediate position (B) and in a fully extended position (C). Hence, the claim rejections under Paul '209 have been respectfully maintained.

Allowable Subject Matter

5. Claim 12 is allowed.

6. Claims 2-4, 7-11, 17, 18, 20-22, 24-28 and 30-32 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the

Art Unit: 3673

limitations of the base claim and any intervening claims. The examiner respectfully asserts that one of ordinary skill in the art would not have found it obvious at the time the invention was made to modify the assist handle of Paul '209 to include the assist handle configuration as recited in claims 2-4 and 20-22, the specific handle mount configuration as recited in claims 7-11, 24-26 and 28 as well as the particular latch configuration as recited in claims 17, 18 and 30-32.

7. Claim 35 is objected to but would be allowable if rewritten to overcome the claim objection(s) as noted above.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sebastien '971.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

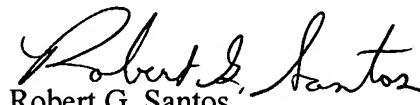
Art Unit: 3673

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert G. Santos whose telephone number is (571) 272-7048. The examiner can normally be reached on Tues-Fr and first Mondays, 10:30 a.m. to 8:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Suzanne L. Barrett can be reached on (571) 272-7053. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Robert G. Santos
Primary Examiner
Art Unit 3673

R.S.
May 29, 2006